



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

JJGJr.12-99

Paper No. 10

COPY MAILED

JAN 20 2000

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

ANDREA C. WALSH
AMERICAN HOME PRODUCTS CORP.
PATENT LAW DEPARTMENT/2B2
ONE CAMPUS DRIVE
PARSIPPANY, NJ 07054

In re application of
B. Ozenberger
Application No. 09/060,609
Filed: 15 April, 1998
Attorney Docket No. AHP 98126

ON PETITION

This is a decision on the renewed petition filed herein 18 November, 1999, under 37 C.F.R. §1.137(b).¹

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

The record indicates that, Petitioner failed to respond timely to the non-final Office action (restriction requirement) mailed 1 April and due on or before 1 May, 1999. As a result, the instant application went abandoned at midnight 1 May and the Notice of Abandonment was mailed 9 November, 1999.

This application is being forwarded to Technology Center 1600.

¹ Effective December 1, 1997, the provisions of 37 C.F.R. 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. 1.137(b). A grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

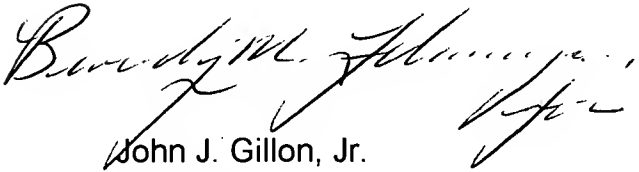
(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. 1.20(d)) required pursuant to 37 C.F.R. 1.137(c).

Telephone inquiries concerning this matter may be directed to Petitions Attorney John J. Gillon, Jr., at (703) 305-9199.



John J. Gillon, Jr.
Attorney
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects